



JCO: [redacted] d PCT/PTO 13 NOV 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: NICOLAS et al.
Serial No.: 09/856,164
Filed: June 4, 2001
For: MOVEMENT-SENSING APPARATUS FOR SOFTWARE

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371

Box PCT
Commissioner for Patents
Washington, D.C. 20231

RECEIVED

DEC 27 2001

Technology Center 2600

Attention: APPLICATION BRANCH
MISSING REQUIREMENTS OF APPLICATION

Sir:

With respect to the above-identified national phase application, the following is filed herewith in response to the Notification of Missing Requirements under 35 U.S.C. 371, mailed September 12, 2001, copy attached.

X Declaration in compliance with 37 C.F.R. §1.63.

X If a Petition for Extension of time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge and fees necessary under 37 CFR 1.17 (a) - (d) to Deposit Account No. 06-1358. The Commissioner is also authorized to charge payment of any other additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By Harvey B. Jacobson, Jr.

Harvey B. Jacobson, Jr.
Reg. No. 20,851

Alfred A. Miller
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Atty. Docket: P66724US0
Date: November 13, 2001
HBJ:crj



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/856164	BONNARD	P66724USO

JACOBSON HOLMAN
400 7TH STREET N W SUITE 600
WASHINGTON, DC 20004JACOBSON HOLMAN PLLC
Response Due On Or Before
11/12/01
Month Day Year

INTERNATIONAL APPLICATION NO.

PCT/FR99/02991

I.A. FILING DATE PRIORITY DATE

02 DEC 99

03 DEC 98

DATE MAILED:

12 SEP 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- | | |
|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventor(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input checked="" type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |
2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- | | |
|---------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---------------------------------------------------|-----------------------------------------------------------------|
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. | |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. | |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). | |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. | |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. | |
| <input type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). | |
4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

Winston M. Alvarado

Telephone: 703-305-6421

FORM PCT/DO/EO/905 (March 2001)

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Technology Center 2600

COPY

DECLARATION AND POWER OF ATTORNEY U.S.A.

ATTORNEYS' USE ONLY

ATTORNEYS' DOCKET NO.

ALL PATENTS, INCLUDING DESIGN
FOR APPLICATION BASED ON PCT; PARIS CONVENTION;
NON PRIORITY; OR PROVISIONAL APPLICATIONS

As a below named inventor, I declare that my residence, post office address and citizenship are stated below next to my name, the information given herein is true, that I believe that I am the original, first and sole inventor (if only one name is listed at 201 below), or an original, first and joint inventor (if plural inventors are named below at 201-203, or on additional sheets attached hereto) of the subject matter which is claimed and for which patent is sought on the invention entitled:

MOVEMENT-SENSING APPARATUS FOR SOFTWARE

which is described and claimed in:

☒ PCT International Application No. **FR99/02991** /
filed **December, 02, 2001**
☐ the attached specification

☐ the specification in application Serial No.

filed

(if applicable) and amended on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

FR98 15266 /**FRANCE** /**03 December 1998** /

Priority Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☒ Yes

☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes

☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes

☐ No

I hereby claim the benefit under Title 35, United States Code, §119(a) of any United States provisional application(s) listed below:

Application No.

Filing Date

Application No.

Filing Date

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

PCT/FR99/02991 /**02 DECEMBER 1999** /**PENDING**

(Application Serial No.)

(Filing Date)

(Status: patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys (Registration No.) to prosecute this application, receive and act on instructions from my agent, and transact all business in the Patent and Trademark Office connected therewith. HARVEY B. JACOBSON, JR. (20,851); D. DOUGLAS PRICE (24,514); JOHN CLARKE HOLMAN (22,769); MARVIN R. STERN (20,840); ALLEN S. MELSER (27,215); MICHAEL R. SLOBASKY (28,421); JONATHAN L. SCHERER (28,651); IRWIN M. AISENBERG (19,007); WILLIAM E. PLAYER (31,409); YOON S. HAM (45,307) and NATHANIEL A. HUMPHRIES (22,772)

SEND CORRESPONDENCE TO: CUSTOMER NO. 00136

or

JACOBSON, PRICE, HOLMAN & STERN
PROFESSIONAL LIMITED LIABILITY COMPANY
400 SEVENTH STREET, N.W.
WASHINGTON, D.C. 20004

DIRECT TELEPHONE CALLS TO:

(please use Attorney's Docket No.) (202) 638-8888

JACOBSON, PRICE, HOLMAN & STERN
PROFESSIONAL LIMITED LIABILITY COMPANY

*Inventor(s) name must include at least one unabbreviated first or middle name.

201	FULL NAME OF INVENTOR	FAMILY NAME NICOLAS Frédéric	GIVEN NAME	MIDDLE NAME
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202	FULL NAME OF INVENTOR	FAMILY NAME HERMAND Fabien	GIVEN NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY PARIS FRX	STATE OR FOREIGN COUNTRY FRANCE	COUNTRY OF CITIZENSHIP FRANCE
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 16, rue Geoffroy-Marie	CITY PARIS	STATE OR COUNTRY FRANCE ZIP CODE 75009
203	FULL NAME OF INVENTOR	FAMILY NAME BONNARD Jean	GIVEN NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY PARIS FRX	STATE OR FOREIGN COUNTRY FRANCE	COUNTRY OF CITIZENSHIP FRANCE
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 42 bis, rue des Cascades	CITY FRANCE	STATE OR COUNTRY FRANCE ZIP CODE 75020

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 M. NICOLAS	SIGNATURE OF INVENTOR 202 M. HERMAND	SIGNATURE OF INVENTOR 203 M. BONNARD
DATE 04 JUN 2001	DATE 04 JUN 2001	DATE 04 JUN 2001

☐ Additional inventors are named on separately numbered sheets attached hereto.

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